IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1358 OF 2006
IN
SUMMARY SUIT NO.150 OF 2006

Pankaj A. Parmar ....Plaintiff
V/s.
Chandulal K. Parmar ....Defendant

Mr.R.K. Jain i/b Mr.S.S. Lanke for the Defendant in support.
Mr.Ramesh Jain for the Plaintiff.

CORAM : S.J. VAZIFDAR, J.
DATED : 23RD AUGUST, 2006.

P.C. :

1. This Notice of Motion seeks an order declaring the suit as having become infructuous.

2. According to the Defendant, who has taken out this Notice of Motion, the suit claim has been satisfied. This is not so. Only the principal amount has been paid.

3. In any event, this is a defence which must be taken in the suit or Summons for Judgment.

4. The Notice of Motion is not maintainable. The Notice of Motion is dismissed.